

House Study Bill 229 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MOHR)

A BILL FOR

1 An Act relating to reimbursement to the state treasury by
2 institutions of higher learning governed by the state board
3 of regents for certain state tort claims, and including
4 retroactive applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 669.11, Code 2023, is amended to read as
2 follows:

3 **669.11 Payment of award.**

4 1. Any award to a claimant under **this chapter**, and any
5 judgment in favor of any claimant under **this chapter**, shall be
6 paid promptly out of appropriations which have been made for
7 that purpose, if any; but any such amount or part thereof which
8 cannot be paid promptly from such appropriations shall be paid
9 promptly out of any moneys in the state treasury not otherwise
10 appropriated. Payment shall be made only upon receipt of a
11 written release by the claimant in a form approved by the
12 attorney general.

13 2. a. Following a payment to a claimant out of moneys in
14 the state treasury not otherwise appropriated for that specific
15 purpose, as described in subsection 1, for an award or judgment
16 on a claim relating to the conduct or actions of an employee
17 of an athletic department of an institution of higher learning
18 governed by the state board of regents, the institution shall
19 reimburse the state treasury the amount of the payment on or
20 before June 30 of the fiscal year immediately succeeding the
21 fiscal year in which the payment is made.

22 b. Moneys used by an institution to reimburse the state
23 treasury under this subsection shall not include moneys
24 received by the institution or the state board of regents from
25 the state unless such moneys are appropriated to the entity for
26 that specific purpose.

27 **Sec. 2. RETROACTIVE APPLICABILITY.** This Act applies
28 retroactively to payments on claims relating to the conduct
29 or actions of an employee of an athletic department of an
30 institution of higher learning governed by the state board of
31 regents made under section 669.11 on or after January 1, 2023.

32 **EXPLANATION**

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 Under current law, awards to or judgments in favor of

1 claimants under Code chapter 669 (Iowa tort claims Act)
2 are required to be paid promptly out of appropriations made
3 for that purpose, if any. If the general assembly did not
4 appropriate moneys for that purpose, or if the appropriations
5 are insufficient, payment must be made from moneys in the state
6 treasury not otherwise appropriated.

7 For an award or judgment on a claim relating to the conduct
8 or actions of an employee of an athletic department of an
9 institution of higher learning governed by the state board of
10 regents, that was paid from moneys in the state treasury not
11 otherwise appropriated for that specific purpose as described
12 under current law, this bill requires the institution to
13 reimburse the state treasury the amount of the payment on or
14 before June 30 of the fiscal year immediately succeeding the
15 fiscal year in which the payment is made.

16 The bill prohibits moneys used by an institution to
17 reimburse the state treasury under the bill from including
18 moneys received by the institution or the state board of
19 regents from the state unless such moneys are appropriated to
20 the entity for that specific purpose.

21 The bill applies retroactively to such payments made on or
22 after January 1, 2023.